

# OSH/ADA Working Group Meeting: ADA Access on Capitol Hill

November 18, 2009

West Dining Room

James Madison Memorial Building

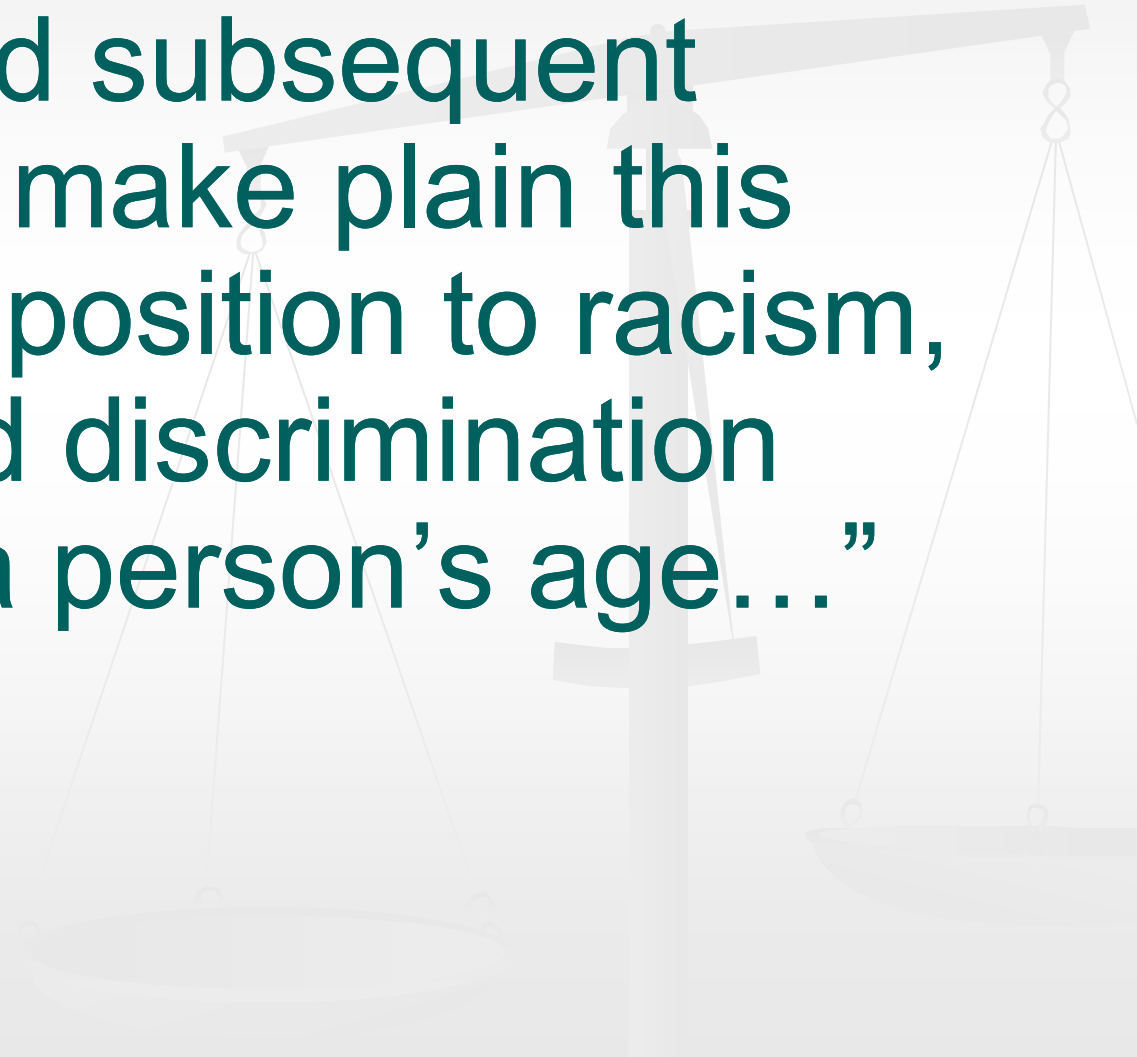
1:00 PM

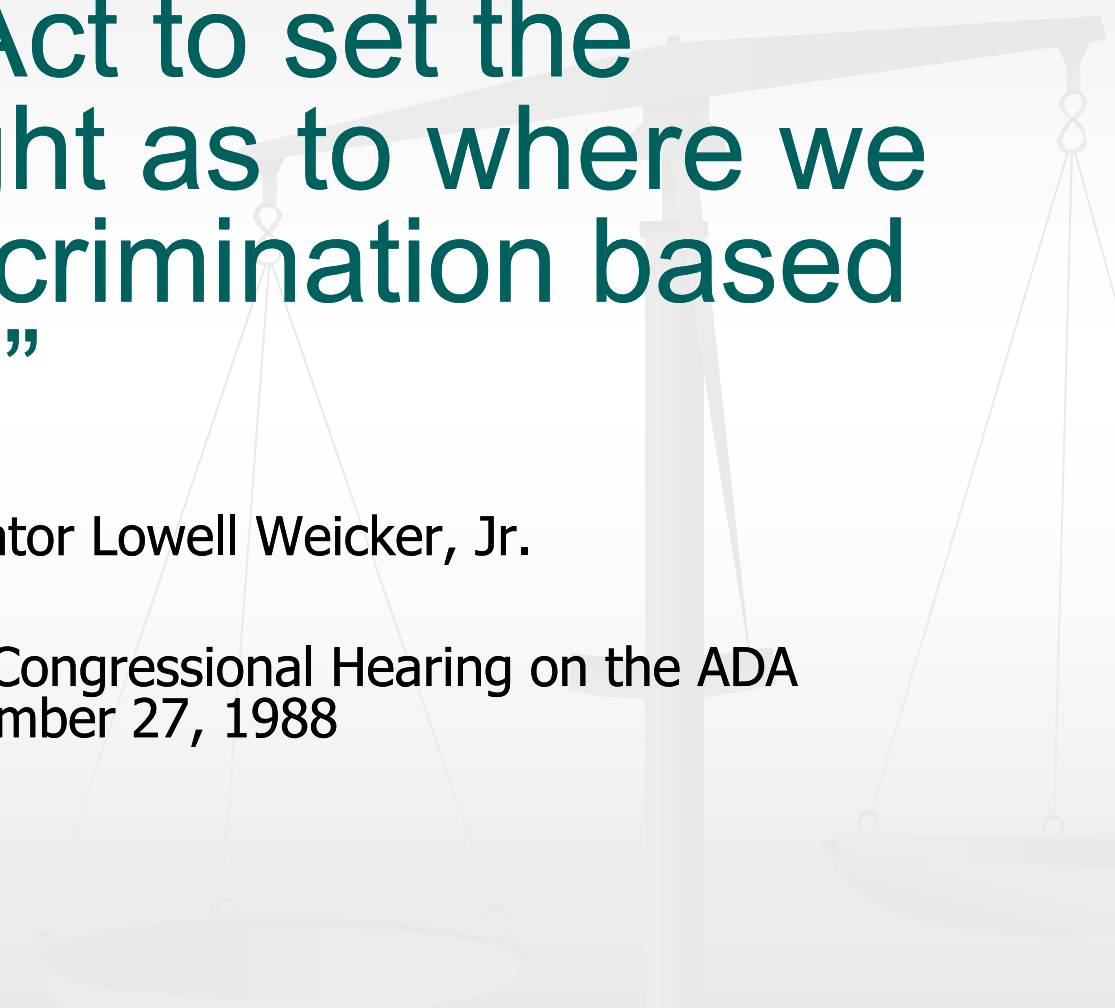
# Program Access



Office of Compliance  
November 18, 2009  
Washington, DC

“It took the Civil Rights Act of 1964 and subsequent statutes to make plain this nation’s opposition to racism, sexism and discrimination based on a person’s age...”





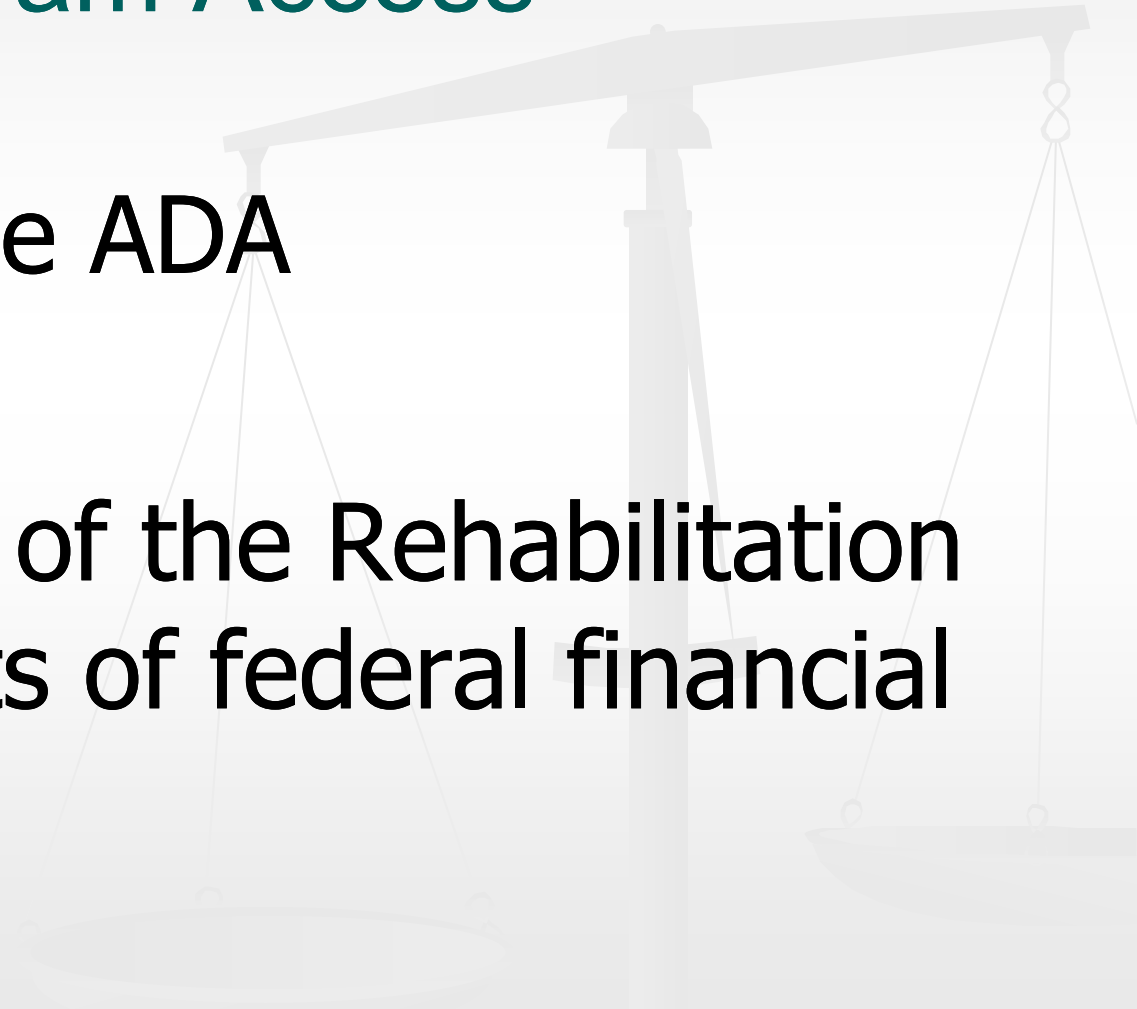
“It will take the Americans with Disabilities Act to set the record straight as to where we stand on discrimination based on disability.”

- Senator Lowell Weicker, Jr.

Joint Congressional Hearing on the ADA  
September 27, 1988

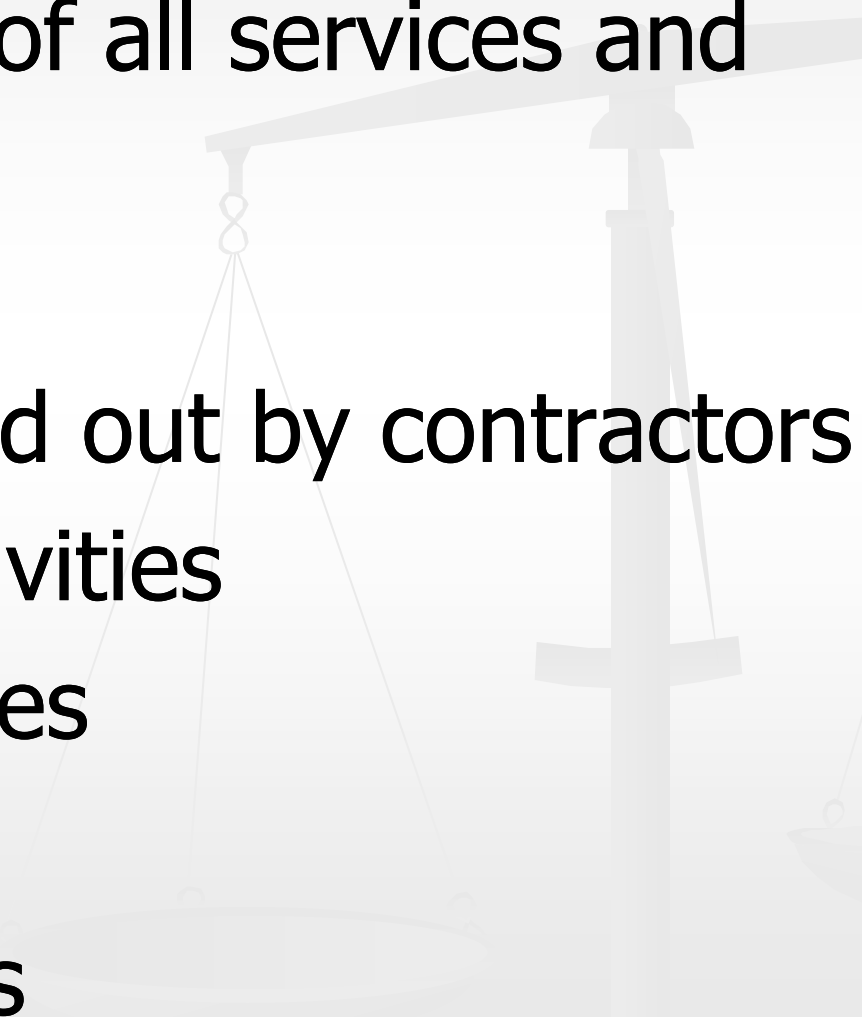
# State and Local Governments: Program Access

- Title II of the ADA
- Section 504 of the Rehabilitation Act: recipients of federal financial assistance



# What's covered?

## Who has to Comply?

- All operations of all services and programs
  - Employment
  - Services carried out by contractors
  - Legislative activities
  - Judicial activities
  - Corrections
  - Police activities
- 

# Basic Principles

- Equal opportunity
- Integration
- Inclusion in planning



# Program Access



No qualified individual with a disability shall,  
*because a public entity's facilities are  
inaccessible or unusable,*

Be excluded from participation;  
Be denied benefits of programs;  
Be subjected to discrimination.

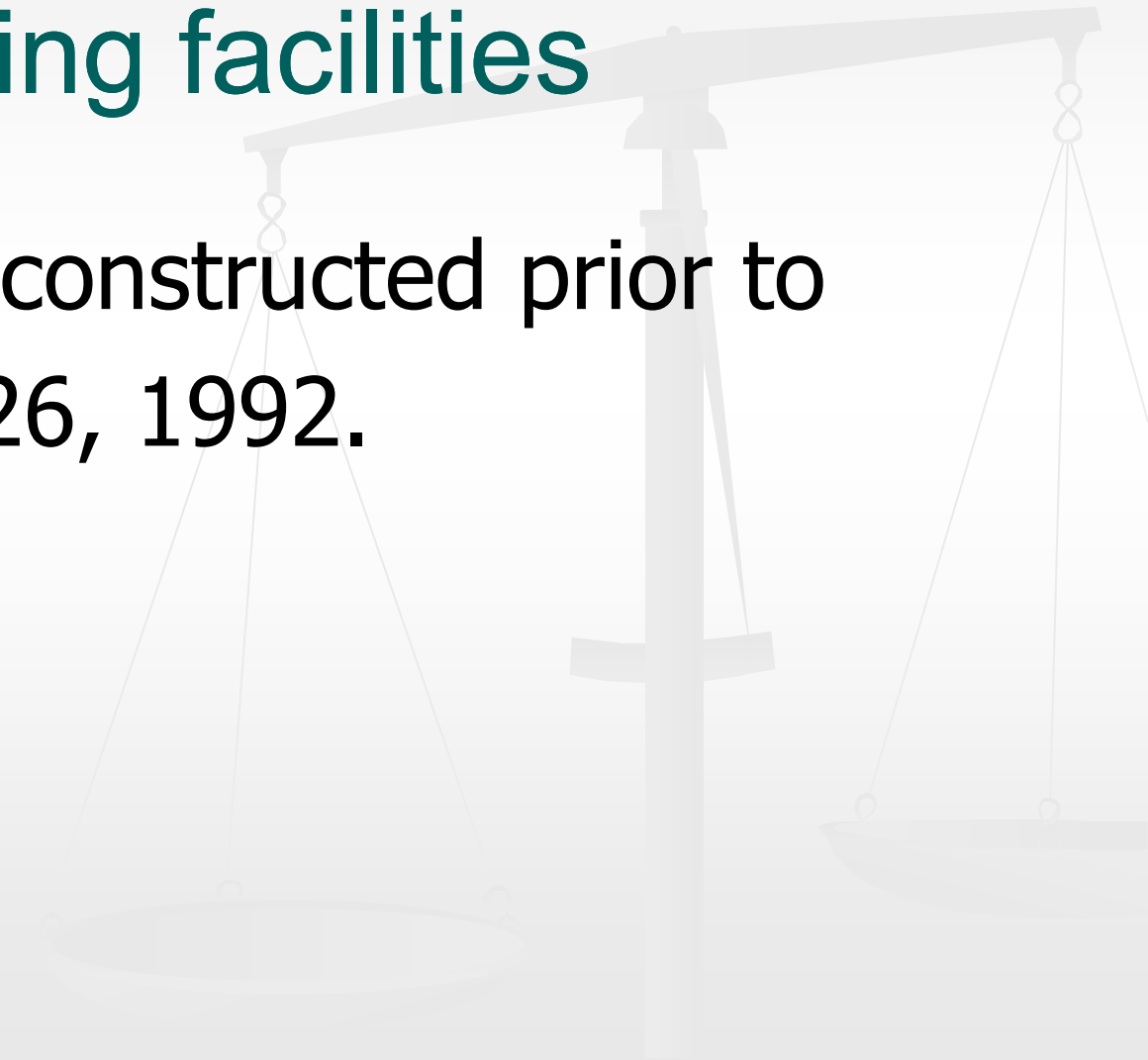
# Existing facilities



Operate each *service or activity* so that, when viewed *in its entirety*, it is *accessible to* and *usable* by people with disabilities.

# Existing facilities

Facilities constructed prior to  
January 26, 1992.

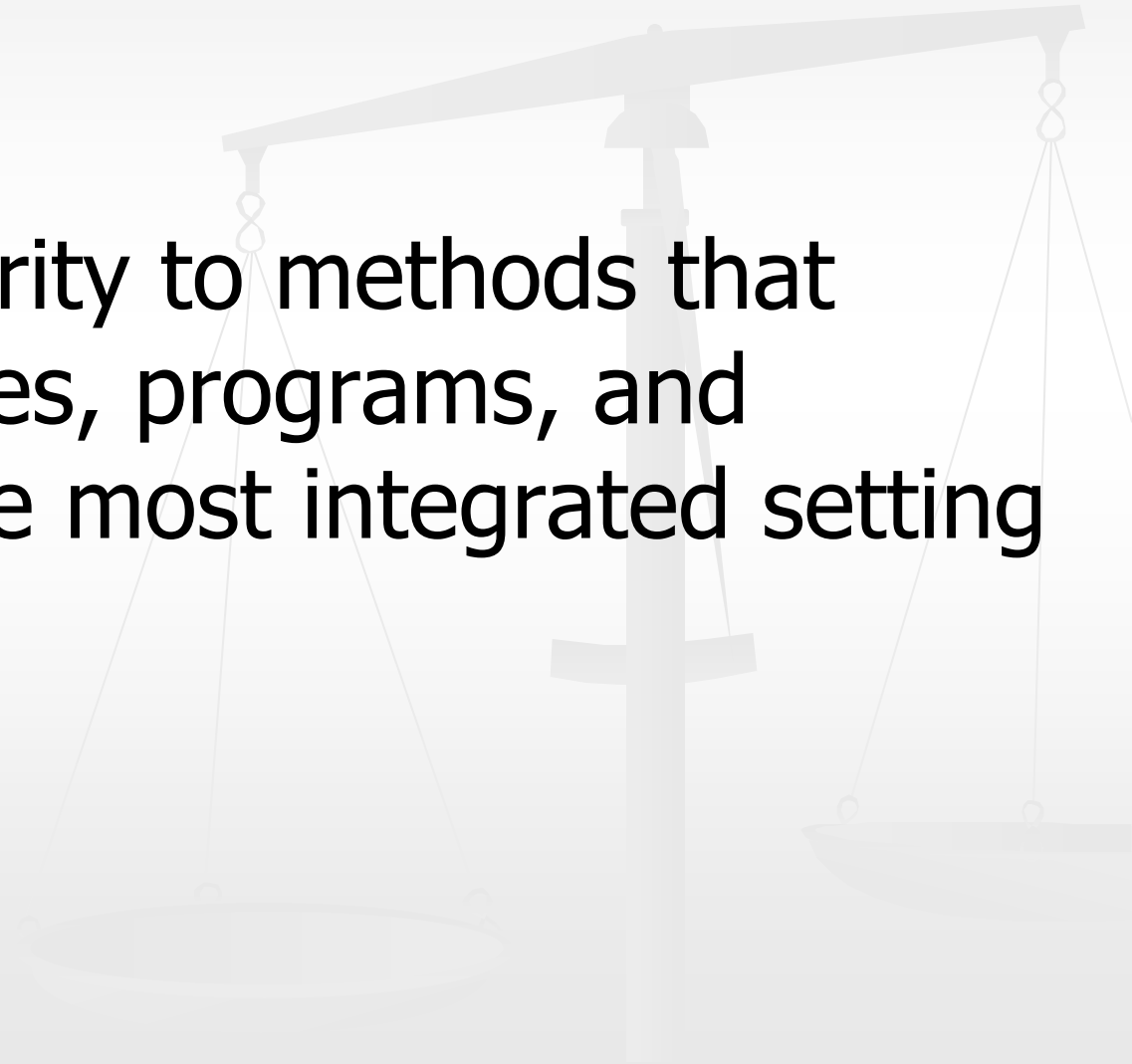


# Examples of Program Access

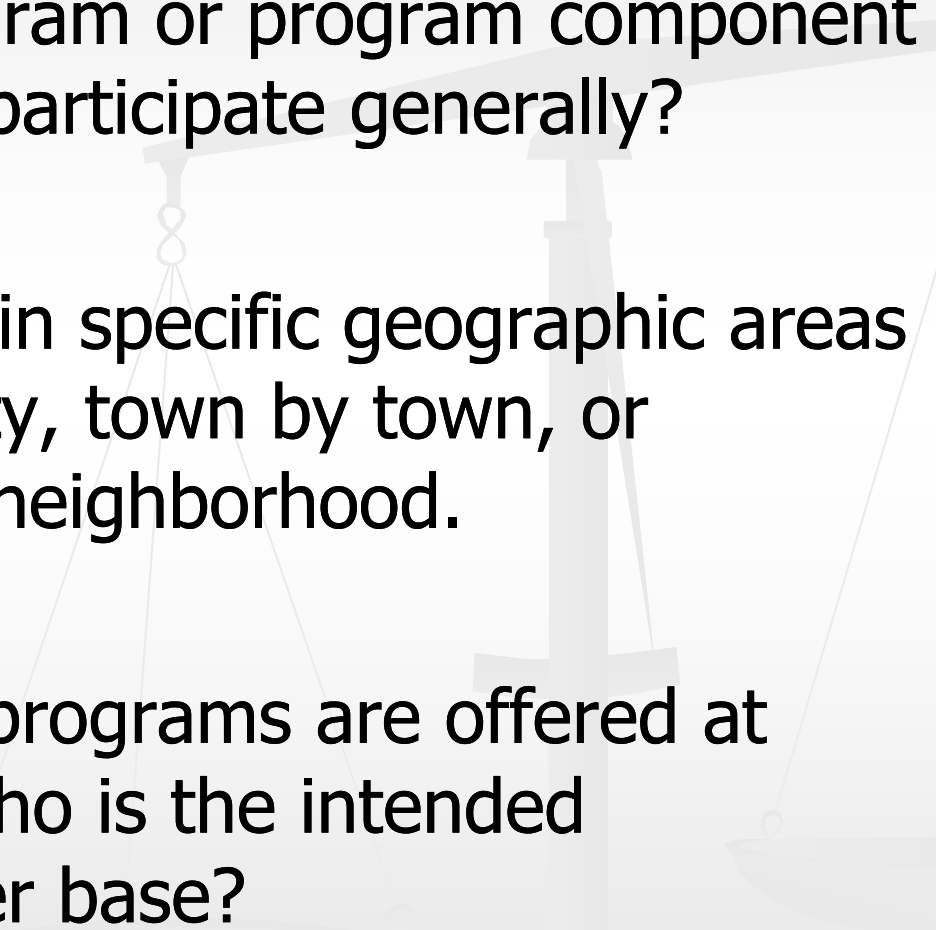
- Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.
- Providing an aide to enable an individual with a disability to obtain the service.
- Providing benefits or services at an individual's home, or at an alternative accessible site.

# Integration

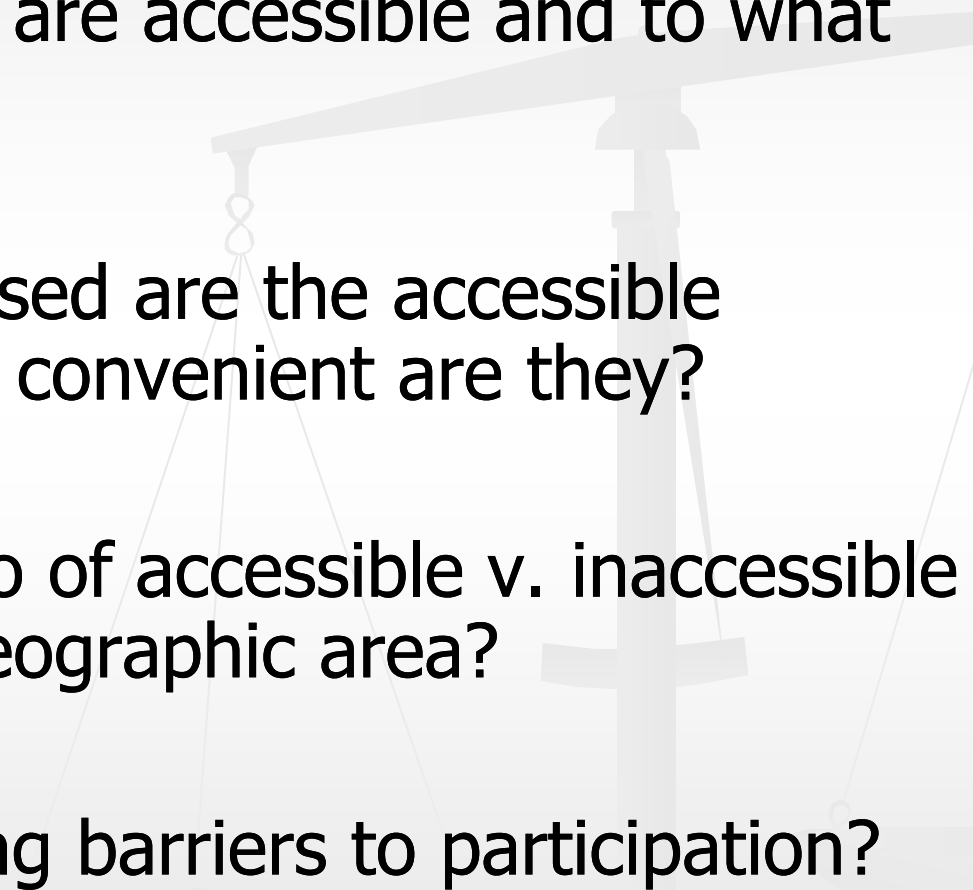
Must give priority to methods that provide services, programs, and activities in the most integrated setting appropriate.



# “When Viewed in Its Entirety”

- Look at each program or program component
    - how do people participate generally?
  - Identify locations in specific geographic areas
    - county by county, town by town, or neighborhood by neighborhood.
  - What services or programs are offered at each location? Who is the intended audience/customer base?
- 

# “When Viewed in Its Entirety” ... Part II

- Which locations are accessible and to what extent?
  - How well dispersed are the accessible locations? How convenient are they?
  - What is the ratio of accessible v. inaccessible locations in a geographic area?
  - What are existing barriers to participation?
- 

# Program Access

- Exceptions:
  - fundamental alteration in the nature of the service, program, or activity
  - undue financial and administrative burdens.
  - BUT, public entities must take any other action that would ensure that individuals with disabilities receive the benefits or services.
- May not carry an individual with a disability as a method of providing program access, except in “manifestly exceptional” circumstances.

# Title II Compliance: time frames

- Self-evaluation of policies and practices by January 26, 1993
- Transition plan (for physical modifications) by July 26, 1992 (if 50 or more employees)
- Physical modifications complete by January 26, 1995, "...but in any event as expeditiously as possible."

# Self-Evaluation

- 1. (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

# Self-Evaluation

- (c) A public entity that *employs 50 or more persons* shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
  - (1) A list of the interested persons consulted;
  - (2) A description of areas examined and any problems identified; and
  - (3) A description of any modifications made.

# Transition Plan

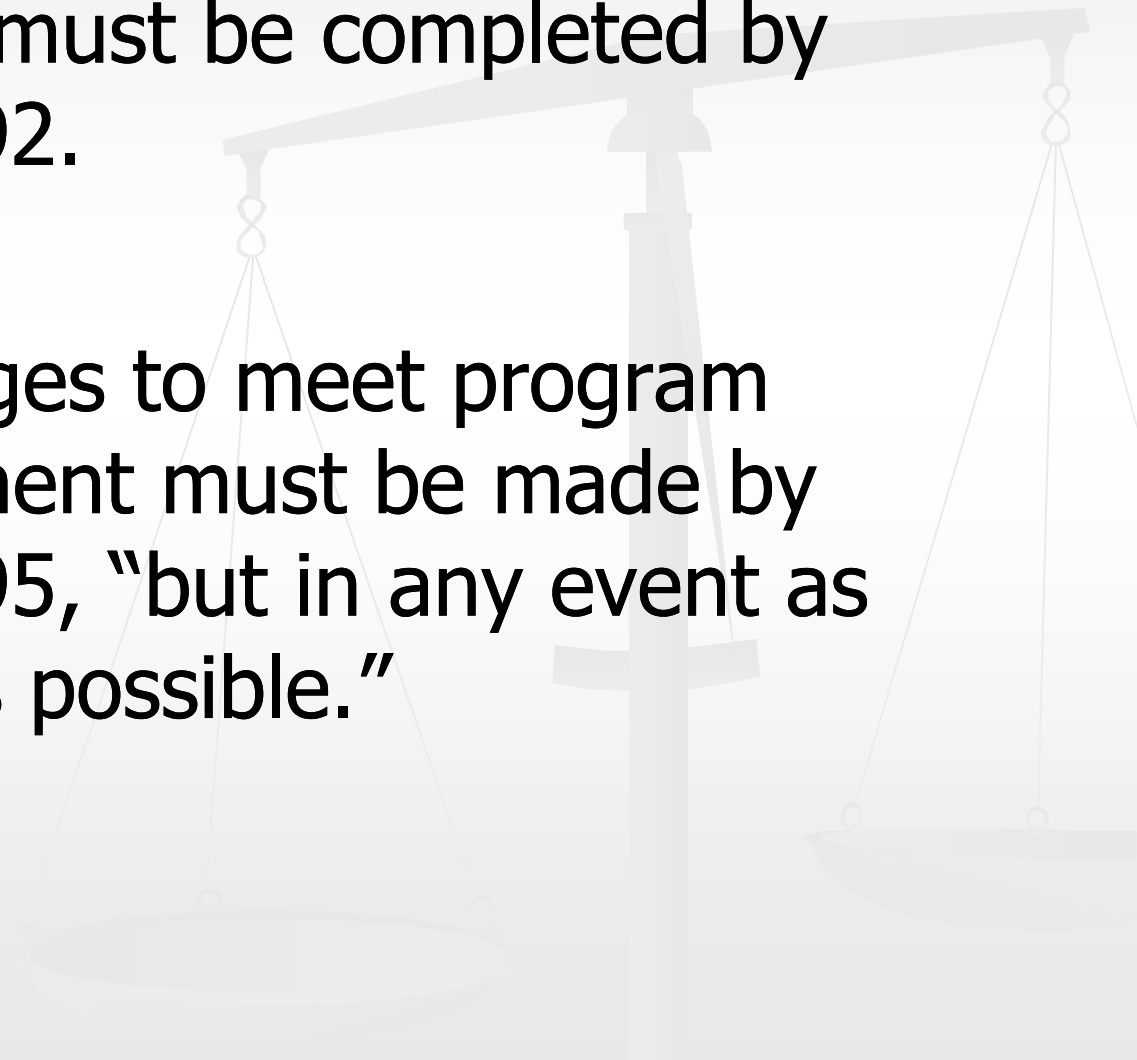
- (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that *employs 50 or more persons* shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

# Transition Plan

- The plan shall, at a minimum –
  - (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
  - (ii) Describe in detail the methods that will be used to make the facilities accessible;
  - (iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
  - (iv) Indicate the official responsible for implementation of the plan.

# Transition Plan

- Transition plan must be completed by January 26, 1992.
- Structural changes to meet program access requirement must be made by January 26, 1995, “but in any event as expeditiously as possible.”



# Resources

- **ADA Information Line (DOJ):**
  - 1-800-514-0301 (v); 1-800-514-0383 (tty)
- **ADA Website (DOJ):**
  - [www.ada.gov](http://www.ada.gov)
- **Disability & Business Technical Assistance Centers ("DBTAC"):**
  - 1-800-949-4232

The  
End





***Congressional Research Service***

*Assisting the Congress with its deliberations and legislative decisions*

# **The Americans with Disabilities Act (ADA): Recent Issues**

Nancy Lee Jones

Carol Toland

Legislative Attorneys

**November 18, 2009**

# Overview

---

- The ADA prohibits discrimination against individuals with disabilities
- The ADA was amended by the ADA Amendments Act, P.L. 110-325
- The ADA applies to Congress through the Congressional Accountability Act (CAA)



# The Americans with Disabilities Act

---

The ADA provides broad  
nondiscrimination protection in

- employment,
- public services (states and localities), and
- public accommodations



# Supreme Court Decisions on the Definition of Disability

---

- Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999)
- Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999)
- Albertsons Inc. v. Kirkingburg, 527 U.S. 555 (1999)
- Toyota Motor Manufacturing v. Williams, 534 U.S. 184 (2002)



# Definition of the Term Disability with Respect to an Individual

---

“(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment (as described in paragraph (3)).”

P.L. 110-325, §4(a), amending 42  
U.S.C. §12102(3).



# The ADA Amendments Act

---

- P.L. 110-325 rejected the Supreme Court's holdings that mitigating measures are to be used in making a determination of whether an impairment substantially limits a major life activity
- Rejected holdings defining the "substantially limits" requirements.



# EEOC Proposed Regulations

---

Examples of Impairments that will consistently meet the definition of disability include:

- Autism
- Cancer
- Cerebral palsy
- Diabetes
- Epilepsy
- HIV/AIDS



# **EEOC Proposed Regulations**

---

Examples of impairments that will usually not be considered disabilities:

- The common cold
- Seasonal or common influenza
- A sprained joint
- Minor and non-chronic gastrointestinal disorders
- A broken bone that is expected to heal completely



# **ADA: Employment Discrimination**

---

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

42 U.S.C. §12112(a), as amended by P.L. 110-325, §5.



# **Qualified Individual with a Disability**

---

“An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such person holds or desires.”

42 U.S.C. §12111(8).



# Undue Hardship

---

“An action requiring significant  
difficulty or expense”  
42 U.S.C. §12111(10).



# Program Accessibility

---

No qualified individual with a disability shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any such entity.

42 U.S.C. §§12131-12133.



# H1N1 Pandemic

---

Are individuals infected with H1N1  
individuals with disabilities?

- EEOC proposed regulations are not clear
- EEOC technical assistance document indicates H1N1 infected individual is not an individual with a disability.

[www.eeoc.gov/facts/pandemic\\_flu.html](http://www.eeoc.gov/facts/pandemic_flu.html)



# Disability Related Inquiries

---

An inquiry that seeks to determine if an individual who would be in a high risk group for pandemic influenza due to a chronic health condition like asthma, would not be permitted:

- prior to a pandemic,
- during a pandemic where the illness, as is currently the case, is generally moderate or mild.

[http://www.eeoc.gov/facts/pandemic\\_flu.html](http://www.eeoc.gov/facts/pandemic_flu.html)



# Reasonable Accommodations During a Pandemic

---

Reasonable accommodation may include work at home and the use of paid or unpaid leave.



# ADA and the Internet

---

- The ADA was enacted prior to widespread use of the Internet, so it contains no specific coverage of Internet-related issues
- Internet coverage was not addressed by the 2008 ADA Amendments Act
- Federal government websites are covered by Section 508 of the Rehabilitation Act (29 U.S.C. §794(d)).



# ADA and the Internet - Employment

---

- ADA specifically prohibits discrimination in “other terms, conditions, and privileges of employment” (42 U.S.C. §12111(a))
- No judicial cases specifically mandate accessibility in the employment context



# ADA and the Internet – State and Local Governments

---

- Case law and regulatory interpretations are sparse
- One district court examined accessibility issues regarding the website of a public transit system
  - *Martin v. Metropolitan Atlanta Rapid Transit Authority* (225 F.Supp.2d 1362 (N.D. Ga. 2002))



# ADA and the Internet – Public Accommodations

---

- Department of Justice interpretations argue that ADA covers the Internet



# ADA and the Internet – Public Accommodations

---

- Title III prohibits discrimination in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any **place** of public accommodation by any person who owns, leases (or leases to), or operates a **place** of public accommodation
- Is a **place** limited to actual physical structures?
  - Public Accommodations NOT Limited to Physical Structures – 1<sup>st</sup>, 2<sup>nd</sup>, and 7<sup>th</sup> Circuits
  - Public Accommodations Limited to Physical Structures – 3<sup>rd</sup>, 6<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> Circuits



# ADA and the Internet – Public Accommodations

---

- Major Judicial Decisions
  - *Access Now, Inc. v. Southwest Airlines, Co.* (227 F.Supp.2d 1312 (S.D. Fla. 2002))
  - *National Federation of the Blind v. Target Corporation* (452 F.Supp.2d 946 (N.D. Calif.2006))
    - “Nexus” approach
- National Federation of the Blind and American Online settlement



# Contact slide

---

Nancy Jones, x7-6976  
[njones@crs.loc.gov](mailto:njones@crs.loc.gov)

Carol Toland, x7-4659  
[ctoland@crs.loc.gov](mailto:ctoland@crs.loc.gov)



# **Accessible Websites**

**What, Why, and How**

**November 18, 2009**

---

# What does an accessible website look like?



# The U.S. House of Representatives Internet Law Library Welcome!

- [About the House Internet Law Library](#)
- [U.S. Federal laws \(arranged by original published source\)](#)
- [U.S. Federal laws \(arranged by agency\)](#)
- [U.S. state and territorial laws](#)
- [Laws of other nations](#)
- [Treaties and international law](#)
- [Laws of all jurisdictions \(arranged by subject\)](#)
- [Law school law library catalogues and services](#)
- [Attorney and legal profession directories](#)
- [Law book reviews and publishers](#)



[FRAMES version of the Law Library](#)



[Fast-loading GRAPHIC-FREE version of the Law Library homepage](#)



[Search the U.S. Code](#)



[Search the Code of Federal Regulations](#)



[Reference Desk](#)

## [Your Comments Please!](#)

Your comments about this service, suggestions for improving the service, and questions about the service, are all welcome. Please include your-email address -- our address is [usc@hr.house.gov](mailto:usc@hr.house.gov).





CONGRESSMAN  
**John Garamendi**  
10<sup>th</sup> CONGRESSIONAL DISTRICT  
CALIFORNIA

[Home](#) | [About Me](#) | [Contact Me](#) | [How Can I Help](#) | [Media Center](#) | [Legislative Work](#) | [Our District](#) | [Resources](#)



### John Garamendi Takes Oath of Office

November 5th, 2009

On Thursday, November 5th 2009, John Garamendi was sworn into office at a ceremony in the United States Capitol Building.

#### In Focus

#### Photos

#### Video

### John Garamendi Sworn into Congress, Vows to Address "the Issues that Confront our Fellow Citizens and the World Beyond"

Washington, DC – John Garamendi, a former California Lieutenant Governor, State Insurance Commissioner, state legislator, and Deputy Interior Secretary, was sworn into Congress by Speaker Nancy Pelosi today. Watch Garamendi's swearing in ceremony and speech "Madame Speaker, if I might just tell you what a great privilege it is for me to be here. I look forward to working with all of..."

[Read Full Story >](#)

#### Latest News

### [Rep. John Garamendi Votes to Create and Preserve Jobs with Support of Three Small Business-Friendly Bills](#)

11/09/2009

WASHINGTON, DC – Congressman John Garamendi, (D-Walnut Creek, California), voted for three bills – H.R. 3737, H.R. 1838, and H.R. 1845 – that will strengthen small businesses and help create and preserve jobs in the 10th Congressional District and the...

11/07/2009

WASHINGTON, DC – Congressman John Garamendi, (D-Walnut Creek, CA). California's first State Insurance Commissioner, today proudly

### Connect with John

#### Subscribe to my E-Newsletter

E-mail Address

#### Contact Me

#### Your Opinion Matters

Do you reside in my district?

☐ Yes

☐ No





[Home](#)
[About Bob](#)
[6th District](#)
[Constituent Services](#)
[Current Issues](#)
[Frequently Asked Questions](#)
[Newsroom](#)
[Contact Me](#)

Search

Name  
 Email Address  
 Subscribe to my  
**Newsletter**

Subscribe to  
 my press  
 releases with  
 RSS



## WE NEED COMMONSENSE HEALTH CARE REFORMS

While we can all agree that our current health care system is flawed there are many different ideas about how to fix it. Recently Democratic Leaders in Congress introduced the "America's Affordable Health Choices Act", which sets the tone for a Washington takeover of the health care system. While this misguided legislation simply offers more of what is wrong with the current system, House Republicans have offered commonsense reforms that will make health care more affordable, reduce the number of uninsured and increase quality.

True health care reform must start by making health care affordable and

### LATEST NEWS

#### GOODLATTE VOTES AGAINST A GOVERNMENT TAKEOVER OF HEALTH CARE

Washington, D.C. – Congressman Bob Goodlatte today voted against H.R. 3962 Speaker Pelosi's proposal for a government takeover of health...

November 7, 2009 10:41 PM

#### ACCESS TO AFFORDABLE ALTERNATIVES

You know what's best for your family when it comes to health care, and it is crucial that any health...

November 6, 2009 10:37 PM

#### COMMON-SENSE TRANSPARENCY MEASURES WOULD BRING NEEDED REFORM TO LEGISLATIVE PROCESS

During the Presidential election campaign



Congressman Goodlatte attends an open house at Lanford Brothers construction

[View it The Photo Gallery](#)

Around the GOP





# REP. HANK JOHNSON

GEORGIA'S FOURTH  
CONGRESSIONAL DISTRICT

[Home](#)[About Hank](#)[Constituent Service](#)[News](#)[The District](#)[Legislative](#)[Contact](#)[Multimedia](#)[Español](#)[My Hank](#)[myHank Homepage](#)

## Latest News:



November 4, 2009

Veterans Day in the Fourth District

Wednesday, November 11 is Veterans Day. Below are all the parades, observances and ceremonies being held in the Fourth District: Saturday,...

November 3, 2009

Hank: Bill to protect innocent Americans from execution  
WASHINGTON - Rep. Hank Johnson (D-GA), along with Constitution Subcommittee Chairman Jerrold Nadler (D-NY), Judiciary Committee Chairman John Conyers [D-MI],...

October 29, 2009

Rep. Johnson: House health care reform bill 'urgently needed'  
WASHINGTON, D.C. - Rep. Hank Johnson (GA-04), concerned that many of his constituents lack access to affordable, quality health care,...

[Read More News](#)

Congressman  
Hank Johnson on  
Facebook

Become a Fan

Congressman Hank

## Top Story: Rep. Johnson votes in favor of 'historic' House health care plan

Congressman commends bill for lowering costs, reducing deficit: WASHINGTON, D.C. - A longtime supporter of making health care more accessible and affordable for the American people, Rep. Hank Johnson (D-GA) voted in favor of health care...

[Read The Whole Thing](#)[Photos](#)[HankTV](#)[Twitter](#)

### A business destroyed

Hank discusses Small Business Administration loan possibilities with Lilburn's Jennifer Lofton, whose towing business was swept away in the gushing torrent.

[Notes](#) | [Link](#) | [P](#)

PictoBrowser

[Search](#)

## myHank Control Panel

Bring me news/info for:

- ☐ Constituents ☐ Veterans  
☐ Seniors ☐ Espanol  
☐ Journalists ☐ Non-Constituents

[UPDATE](#)

## Contact Hank

- ☐ Email Hank ☐ Order a flag  
☐ Request a tour ☐ Hank's e-newsletter  
☐ Request a meeting ☐ Event scheduling

[Contact Hank](#)

## Hot Legislation

### Health Care Reform

The House is scheduled to vote on health care reform on Saturday.

## Hot Topics

- Our Strategy in Afghanistan
- Flood Disaster Assistance
- It's Cold: Get help with your heating bills
- Foreclosure Help
- Stimulus Accountability



# Immigration Reform Caucus

Congressman Brian Bilbray, Chairman

 Search

[Home](#) [Membership](#) [Press Releases](#) [In the News](#) [Issues & Legislation](#) [Multimedia](#) [Contact](#)

## Daily News

[Immigration Experts Urge Congress to Be Cautious on Schumer Work ID Plan](#)  
*Washington Post* - July 21, 2009

[Feds shift gears on illegal immigration](#)  
*USA Today* - July 21, 2009

[E-Verify Moves Toward Implementation](#)  
*Washington DC Examiner* - July 19, 2009

[Hiring process for immigrants to get tighter](#)  
*San Diego Union-Tribune* - July 15, 2009

[Obama supports E-Verify system](#)  
*Contra Costa Times* - July 13, 2009

[Immigration Judges Found Under Strain](#)  
*New York Times* - July 11, 2009

[See all Daily News items »](#)

## Press Releases



Bilbray and 51 Other Members of Congress Oppose Obama's Postponement of E-Verify, Again

June 10, 2009

WASHINGTON — Congressman Brian Bilbray, Chairman of the Immigration Reform Caucus in the U.S. House of Representatives, has recently sent President Barack Obama a letter, signed by 51 other members of Congress, regarding opposition to

the Administration's postponement of the E-Verify program. In the letter, the members stated, "We oppose the Administration's decision to delay, for a third time, the requirement that federal contractors use E-Verify to confirm that new hires are eligible to work in the United States legally."

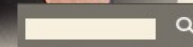
Welcome to the official website for the Immigration Reform Caucus (IRC). The issue of illegal immigration has become one of the most important debates in Congress and throughout the United States as the American people have begun to understand how the federal government's failure to address illegal immigration has negatively impacted our communities. The IRC is an organization dedicated towards identifying legislative solutions to address the issue of illegal immigration. As Chairman of the IRC, it is important to me and our members that the American people are able to follow how Congress is moving ahead to address illegal immigration. Hopefully, this website will become a resource for you to get the latest updates and news on our activities and efforts to address illegal immigration.



Congressman Brian Bilbray, Chairman

## About the IRC

The Immigration Reform Caucus (IRC) was established in May 1999 to review current immigration policy, to initiate new immigration policy and to create a much-needed forum in Congress to address both the positive and negative consequences of immigration. Former Congressman Tom Tancredo (R-CO) was the first Chairman of the caucus and served until February of 2007 when [Congressman Brian Bilbray \(R-CA\)](#) became the new Chairman of the



## Latest

Latest videos:

[See all videos »](#)



powered by

## New page for veterans

[We've launched a new web page for veterans.](#) One-stop for news and information about legislation, benefits, issues and other resources for veterans.

November 10, 2009

## Congresswoman Chellie Pingree unhappy with reports of Wall Street employees getting H1N1 vaccine

Pingree tells HHS Secretary Sebelius that investment bankers shouldn't be getting vaccines ahead of high-risk individuals

November 9, 2009

## President Obama re-Tweets Chellie!



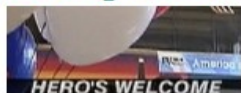
**BarackObama**

RT @chelliepingree We won!!!!  
about 10 hours ago from web

President Obama posts comments made by Congresswoman Pingree minutes after the House passed healthcare legislation on Saturday.

November 9, 2009

## Casting a historic vote for Maine and the nation



"It was the vote my constituents sent me to cast." Watch media coverage of Congresswoman Chellie Pingree's vote for healthcare reform.

## Welcome

### Affordable Healthcare for America Act

Find out more about how it will help Maine



Get Email Updates



Contact



Video



Economic Recovery Package help and information

facebook

twitter



Friends,

I'd like to welcome you to my website. I am honored to serve the people of Maine's First Congressional District.



CONGRESSMAN  
**TOM PETRI**  
REPRESENTING THE 6TH DISTRICT OF WISCONSIN

[E-Newsletter](#) | [Photo Gallery](#) | [Site Map](#)

[Search](#)

[f](#) [e](#) [★](#) [📄](#) | [+](#) [More](#)

## Welcome

[Home](#)

[Biography](#)

[WI 6th District](#)

[Constituent Services](#)

[Issues & Legislation](#)

[Press](#)

[Students](#)

[Email Rep. Petri](#)

[RSS](#) [PODCAST](#)



### Washington, DC Office

2462 Rayburn Building  
Washington, DC 20515  
Tel: 202-225-2476  
Fax: 202-225-2356  
[Directions](#) / [Hours](#)

### Fond du Lac Office

490 West Rolling Meadows Drive  
Suite B  
Fond du Lac, WI 54937  
Tel: 920-922-1180  
Fax: 920-922-4498  
Toll-free in WI: 800-242-4883  
[Directions](#) / [Hours](#)

### Oshkosh Office

2390 State Road 44  
Suite B  
Oshkosh, WI 54904  
Tel: 920-231-6333  
[Directions](#) / [Hours](#)

11/10/2009

### [Statement of Rep. Tom Petri On the Occasion of the Memorial Service at Ft. Hood](#)

We pray for the safety of our men and women in the armed forces as they serve in Afghanistan and Iraq. It is shocking to find that we need to pray for their safety as well when they are serving within our borders. [Full Release](#)

11/7/2009

### [Petri Reacts to Passage of Health Care Bill](#)

The House of Representatives approved major health care reform this evening. Rep. Petri voted "no," and made the following comments: [Full Release](#)

11/7/2009

### [Petri Blasts Health Care Bill In Floor Speech](#)

WASHINGTON - During debate in the House of Representatives on major health care reform legislation Saturday evening, Rep. Tom Petri warned that the legislation would disrupt the economy, raise taxes, and cause health care premiums to skyrocket. [Full Release](#)

11/5/2009

### [Petri at Massive Rally at Capitol Building to Protest Pelosi Health Care Bill](#)

Rep. Tom Petri joined thousands of citizens who made a "House Call" outside the U.S. House of Representatives Thursday to protest the mammoth health care bill which Speaker Nancy Pelosi and the House Democrats are planning to push through the House Saturday. Petri said of the rally: [Full Release](#)

11/3/2009

### [Petri Blasts Pelosi Health Care Bill](#)

This afternoon, Rep. Tom Petri addressed the House of Representatives as follows: [Full Release](#)

### [All Press Releases](#)

## Spotlight

### [Pelosi/Dingell Health Care Bill \(H.R. 3962\)](#)

#### Constituent Services

- [Email Me](#)
- [Tours](#)
- [Help with a Federal Agency](#)

#### In The News

- [Rep. Petri on Health Care](#)
- [Economic Recovery Act](#)
- [H1N1 Virus](#)

#### Legislation

- [Currently on the House Floor](#)
- [Major Votes](#)
- [Appropriations Requests 2010](#)
- [Transportation Requests 2009](#)

#### Committee Schedules

- [Transportation & Infrastructure](#)
- [Education & Labor](#)

# What is web accessibility?

# Accessibility:

**Our goal** is to make the information on our Web sites available to individuals with disabilities in a manner equivalent with the way that that information is made available to individuals without disabilities.

# Accessibility:

To the extent practical, an accessible website presents an equivalent experience to persons with disabilities and persons without disabilities. An accessible website presents equivalent information to persons with disabilities and persons without disabilities.

---

# Accessibility:

Unless an undue burden would be imposed, individuals with disabilities should have access to and use of information and data that is comparable to the access to and use of the information and data by individuals who do not have disabilities.

**Why should I care enough to  
spend time, money, or other  
resources to make my website  
accessible?**

---

# Why:

- 15% of the population has a disability
- 41% of the population 65-years-old or older has a disability

Source: U.S. Census Bureau 2006 American Community Survey.  
Measuring non-institutionalized individuals 5-years-old or older.  
<http://www.census.gov/hhes/www/disability/2006acs.html>

# Why:

- Avoid potential public embarrassment
  - There are people out there who would like to embarrass your office or your boss.

# Why:

Techniques that make a website more accessible to individuals with disabilities, often also make websites more accessible to:

- Spiders used by search engines
- Anyone using a Blackberry or other mobile web devices

**Do I need to make one website for individuals with disabilities and another for individuals without?**

---

# Multiple websites?

- No – have one site.
- Having 2 (or more) sites is a last resort that is discouraged.

# How can a website be accessible?

# Some tools available to the public:

- Software to convert text to audio (visual disabilities)
  - Software to convert text to Braille (visual & hearing disabilities)
  - Screen magnification (visual disabilities)
  - Audio speed control (cognitive and/or hearing disabilities)
  - Joy stick (motor disabilities)
  - Audio input (motor and/or visual disabilities)
-

# Some considerations about content:

- Transcripts for audio material (hearing disabilities)
  - Sufficient color contrast between backgrounds and text (visual disabilities)
  - Do not not use color as the only way to provide a piece of information (visual disabilities)
  - Do not make links or navigation too small (motor disabilities)
-

# Some techniques for coding:

- All HTML should be grammatically correct
  - Attach meaningful text to every image (static images & moving images)
  - Properly code text that is functionally a heading
  - Properly code forms so that each input box is associated with an explanation
  - Make the label associated with each link meaningful
  - Properly code the column and row headings of tables
-

# Is my website accessible?

# Some quick (very fallible) techniques:

- In Internet Explorer, put you cursor over an illustration on one of your pages
    - Did a message pop up?
    - Does the message meaningfully describe what's in the illustration?
    - If the illustration included any text, is the text included in the pop up message?
-

# Another quick technique:

- Go to a web form (not a PDF) on your website. Count the number input boxes on the form. Now, display the source code for the form and count the number of times `<label` occurs in the source code. Did the number of “<label” occurrences approximately equal the number of input boxes?

# A third quick technique:

- Access your website on a Blackberry. Is there a link to skip your navigation and go directly to your main content?

If you answered “yes” to all of these questions, there’s a good likelihood that your website is accessible.

# Tools for more rigorous testing:

- W3C Markup Validation Service – checks that your HTML is grammatically correct. <http://validator.w3.org/>
  - Contrast Analyser – is there sufficient color contrast between the text and background colors?  
<http://www.paciellogroup.com/resources/contrast-analyser.html>
  - Flicker Rate Test for GIF Images – tests animated images to see if their flicker rate falls within the range that can trigger photosensitive epilepsy.  
<http://tools.webaccessibile.org/test/check.aspx>
-

# More tools:

- Readability Test – calculates the approximate grade reading level of a Web page.  
<http://juicystudio.com/services/readability.php>
  - Web Accessibility Toolbar – provides an easy way to turn off style sheets or JavaScripts; resize browser windows; render pages in black and white; display headings and lists; etc. <http://www.visionaustralia.org.au/ais/toolbar/>
  - Cynthia Says – checks for 508 and WCAG 1.0 compliance.  
<http://www.contentquality.com/>
-

# Even more tools:

- Workspace – checks for 508 and WCAG 2.0 compliance.  
<http://workspace.deque.com/wsservice/eval/checkCompliance.jsp>
- TAW3 – checks for WCAG compliance.  
<http://www.tawdis.net/ingles.html?lang=en>

# Heavy duty testing:

- House office can ask House Information Resources to review their site (at no cost to your office)
- Hire a firm to test your site

# Technical standards:

- § 508 Technical Standards issued by the U.S. Access Board (36 C.F.R. part 1194, subpart B – especially, §§ 1194.22 & 1194.24(c)-(e)) - <http://section508.gov/index.cfm?FuseAction=Content&ID=12>
- Web Content Accessibility Guidelines (WCAG), version 2.0, issued by the World Wide Web Consortium (W3C) - <http://www.w3.org/TR/2008/REC-WCAG20-20081211/>

(continued)

# Technical standards:

- Extensible Hypertext Markup Language (XHTML), version 1.0, 2<sup>nd</sup> edition, issued by the W3C -  
<http://www.w3.org/TR/2002/REC-xhtml1-20020801/>
  - incorporates by reference the HTML 4.01 Specification -  
<http://www.w3.org/TR/1999/REC-html401-19991224/>

# Related references:

- Suggested WSB Web Site Best Practices -  
<http://cao.house.gov/web-standards/best-practices.pdf>
- A List Apart: For People Who Make Websites -  
<http://www.alistapart.com/>
- Alertbox: Current Issues in Web Usability -  
<http://www.useit.com/alertbox/>

# Questions? Contact:

Elliot Chabot

Chief, Web Design and Standards Compliance Team

Web Solutions Branch

House Information Resources

Chief Administrative Officer

U.S. House of Representatives

H2-646 Ford House Office Building

Washington, DC 20515-6165

(202) 226-6456

[elliott.chabot@mail.house.gov](mailto:elliott.chabot@mail.house.gov)

---